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12 Attorneys for Plaintiffs REARDEN LLC and
REARDEN MOVA LLC

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 REARDEN LLC and REARDEN MOVA LLC,
17 California limited liability companies,

18 Plaintiffs,

19 vs.

20 WALT DISNEY PICTURES, a California
21 corporation,

22 Defendant.

Case No. 4:17-cv-04006-JST

**PLAINTIFFS' RESPONSE TO
DECLARATION OF PAUL STEINKE
IN SUPPORT OF DEFENDANT'S
MOTION TO EXCLUDE PORTIONS
OF ALBERTO MENACHE'S
TESTIMONY (ECF NO. 444)**

Judge: Honorable Jon S. Tigar

1 In ECF No. 422, Disney moved to exclude certain testimony by Rearden expert Alberto
 2 Menache regarding his work on the *Avatar* sequel films based on their representation that his
 3 testimony violated contractual obligations owed to a company that was “part of the Disney group of
 4 companies.” This Court ordered Disney to provide proof that the company in question was a Disney
 5 company in ECF No. 530, entered on October 13. On October 18, Disney filed the Declaration of
 6 Paul Steinke conceding that Lightstorm Entertainment (the company Disney claimed to own in the
 7 Menache deposition) “is not itself part of the Disney family of companies.” But he attached a
 8 contract between a production company called Fox US Productions No. 17 and Vision Data
 9 Corporation, a company owned by Mr. Menache, relating to *Avatar* sequels. Steinke argued that Mr.
 10 Menache was bound by the confidentiality terms of the contract and that it prohibited testimony
 11 regarding his work on *Avatar* sequels.

12 Rearden does not intend to offer any details about Mr. Menache’s work on the *Avatar*
 13 sequels. But it does intend to offer testimony that Mr. Menache provided visual effects services
 14 related to software and system development for performance capture for the *Avatar* sequels as one of
 15 many major motion pictures for which he has provided such services in his career. Fox, itself,
 16 disclosed that Mr. Menache performed such services in the credits of *Avatar II: The Way of Water*,
 17 as shown by the attachment to the Declaration of William Stevens filed concurrently with this
 18 response.

19 Accordingly, the motion to exclude portions of Mr. Menache’s testimony should be denied to
 20 the extent that it relates to his work on the *Avatar* sequels.

21 DATED: October 25, 2023

HAGENS BERMAN SOBOL SHAPIRO LLP

22 By: /s/ Mark S. Carlson

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